

## THE MOTOR ON LOWE AVENUE.

It Secures Right of Way After a Lively Fight.

## ATTORNEY HALL'S METTLE.

A Possibility That the Courts May Yet Be Requested to Pass Upon the Merits of the Case.

## Tracks to the Country.

There was a lively meeting of the board of public works yesterday morning.

The question as to which street railway company had the right to build on Lowe avenue, and along the Benson line was under discussion for the third time.

An adjourned meeting of the board to decide the question was held. The lobby of the office was crowded with interested parties, while behind the rail was an array of city railway officials, legal lights, members of the board and reporters.

Mr. Kierstead and Major Balcombe were promptly on hand, but the secretary had to start Major Furray toward the board's rooms by telephone.

The major finally arrived, twenty minutes late. He shed his coat and prepared for action.

Major Balcombe called the board to order and stated the object of the meeting.

"What evidence," said Mr. Pritchett, who appeared in behalf of the Omaha Street Railway company, "is there here to show that the motor company has a right to run out on the Benson line?"

The resolution of the county commissioners giving the Benson company a right to occupy the street in question, was produced.

"Now, I claim," said Mr. Pritchett, "that the possession of this right, granted by the commissioners does not give the company an exclusive right to occupy these streets. Such a right cannot be granted, except by the legislature, except by a minor legislative body, and this has not been done in this case."

"The motor company comes here without any grant whatever. The legislature has passed laws forbidding the granting of franchises to street railways in municipalities less than cities. And another thing, we have come here ahead of the motor company in our application for a permit. There should not be any question here relative to the consolidated company a franchise for a single track on Lowe avenue. I have heard but little of the discussions in regard to this matter, and—"

"I haven't been out of town this week, have you?" asked General Cowin.

"Yes, sir, I have," replied Mr. Pritchett.

"Out to the fair?"

"No, sir, out to Fort Robinson."

"Cowan smiled."

"I see from your remarks," interjected Mr. Mercer, "that you are not acquainted with the recent decisions of the courts in this matter. Mr. Pritchett, you are right."

"Oh, well, doctor, when I get into a discussion of the law, I'm lost," returned the affable attorney for the street railway company.

"I think, doctor," said Major Balcombe, "that we had better let the attorneys discuss this matter. You have spent considerable time on this question."

General Cowin said that this case was covered by the South Omaha case and he thought the decision should be the same. The Benson company had expended \$25,000 in building the line and now that it was completed, the consolidated company would like to take it over from them.

"I think," said the general, "that the question is one only of franchise."

"If that is true," said Mr. Pritchett, "we should be given the permit, as we have held the right for six years to build out there."

"Oh, yes," said Cowin, "we have all heard that, and for the last six years you have been making promises to build out there, but have failed to do so."

"Mr. J. S. Hall representing the citizens of the district along the line, presented a petition signed by a large number of taxpayers, asking that both companies be granted a right to build on Lowe avenue."

This, Mr. Hall reviewed the ordinance and the rights of the people to make this request. "I would like to know," Mr. Hall interrupted Mr. Howe, "if you appear here in the interests of the people or one of the companies?"

"I am here, sir, in the interests of the people, but I deny your right to catechize me. It is a habit of yours, but I want you to understand that you can't work it on me," returned Mr. Hall.

"Do you deny, then, that I have a right to ask you for whom you appear?" This was from Mr. Howe.

"I do not; but I deny that you have any right to throw out any insinuations as to the motives of these people. That is none of your business, sir," thundered Mr. Hall.

"The matter seems to worry you. Why are you so sensitive?" asked Mr. Howe.

About one month ago, a woman, a trackman in the employ of the Burlington at Plattsmouth, was killed by a train. The manner in which he met his death showed negligence on the part of the train employees, and hence a claim for damages was set up by the family of the deceased.

After a long and bitter fight, the case was decided in favor of the family. The railroad company was ordered to pay damages.

"Oh, well," drawled Mr. Howe, with his provoking smile, "we all know that you are a little bit of a lawyer."

"I don't question your right to appear here, Mr. Hall," interjected General Cowin, affably, evidently anxious to preserve peace.

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## THE DAY AT THE STATE FAIR.

Everything Bigger and Better Than Last Year.

## THE CROWD IS COMING FAST.

Good Racing, Big Pumpkins, Fine Horses, Blooded Cattle, the Side Show and the Merry-Go-Round, All There.

## LINCOLN BUREAU OF THE OMAHA BEE.

1029 P STREET, LINCOLN, SEPT. 10.

The weather clerk and the Nebraska state fair seem to be on the best of terms. Last night about 10 o'clock a shower came down upon the fair grounds, and the light clouds of clouds overspread the sky, protecting the people from the heat and glare of the sun.

As a rule the people don't begin to come until about Wednesday. They think that Wednesday and Thursday will be the big days, and that's all they care to see, but this year they began to come to-day.

All the exhibits are on hand and in place, and they will stay until the fair closes. There are good races every day.

Children's day brought fully 35,000 people to Lincoln.

The two agricultural halls continue to be the center of attraction. It is remarked on every hand that the agricultural exhibits surpass anything of the kind ever seen in the west. Colored and white, the fair grounds are full of the products of the farm and garden. The rush in these halls was remarkable to-day.

The horse show. The work of the judges in the horse show began this morning, and at noon they had got thus far on the list:

Lot 1, Percherons—First premium, best stallion four years and over, M. M. Coad, Fremont; second, E. Trinder & Co., Atlantic.

Best stallion over three and under four years—First, E. Bennett & Co., Topeka, Kan.; second, H. B. Hoadley, Brownville, Neb.

Best stallion colt two and under three years—First and second, M. M. Coad, Fremont.

Best stallion colt one and under two years—First, J. Browder, Albion; second, W. J. McGillin.

Best stallion sucking colt—M. M. Coad, Fremont, first and second.

Best mare four years and over—M. M. Coad, Fremont, first and second.

Best filly three years and over—First, M. M. Coad, Fremont; second, W. J. McGillin, Stratton.

Best filly two and under three—M. M. Coad, Fremont, first and second.

Best suckling mare colt—First, M. M. Coad, Fremont; second, W. J. McGillin, Stratton.

Sweepstakes—Best stallion any age in lot 1—E. C. Miller, Fullerton.

Mare any age in lot 1—M. M. Coad, Fremont.

Stallion four years old and over showing best five of his get—M. M. Coad, Fremont.

Wednesday's Races. Trotting race, 2:35 class—Purse \$500—Best three in five—Dan D. W., owned by Westcott, Giltout & Co., Westcott; second, Waldmar, by H. Pickard, York; Paul, by L. Garrison, York; third, H. B. Hoadley, Brownville, Neb.; fourth, H. B. Hoadley, Brownville, Neb.; fifth, H. B. Hoadley, Brownville, Neb.; sixth, H. B. Hoadley, Brownville, Neb.; seventh, H. B. Hoadley, Brownville, Neb.; eighth, H. B. Hoadley, Brownville, Neb.; ninth, H. B. Hoadley, Brownville, Neb.; tenth, H. B. Hoadley, Brownville, Neb.; eleventh, H. B. Hoadley, Brownville, Neb.; twelfth, H. B. Hoadley, Brownville, Neb.; thirteenth, H. B. Hoadley, Brownville, Neb.; fourteenth, H. B. Hoadley, Brownville, Neb.; fifteenth, H. B. Hoadley, Brownville, Neb.; sixteenth, H. B. Hoadley, Brownville, Neb.; seventeenth, H. B. Hoadley, Brownville, Neb.; eighteenth, H. B. Hoadley, Brownville, Neb.; nineteenth, H. B. Hoadley, Brownville, Neb.; twentieth, H. B. Hoadley, Brownville, Neb.; twenty-first, H. B. 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Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and second, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and third, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and fourth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and fifth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and sixth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and seventh, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and eighth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and ninth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and tenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and eleventh, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and twelfth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and thirteenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and fourteenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and fifteenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and sixteenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and seventeenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and eighteenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and nineteenth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and twentieth, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and twenty-first, H. B. Hoadley, Brownville, Neb.; one hundred and one hundred and one hundred and twenty-second, H. B. 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